

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action mailed April 30, 2007 wherein claims 1-8, 10, 11, 13-23, 25, 30, 31 and 35-50 were rejected. Independent claims 1, 13 and 35 have been amended, Claims 12, 24, 26-29 and 32-34 have been canceled without prejudice or disclaimer thereto. Claims 1-8, 10-11, 13-23, 25, 30-31 and 35-50 are currently pending.

Specification and claim amendments

Applicants have amended the claims to improve clarity. Applicants submit that great care has been exercised to avoid the introduction of new matter into the specification.

Claim rejections under 35 USC §103(a)

The last office action has been carefully considered. Applicant would like to thank Examiner Patel and her S.P.E., Mr. Burr for graciously granting applicant's representatives, Jason Kindtworth and Richard Klar, a telephonic interview on August 28, 2007. During that interview it was agreed that the proposed claim language appeared to be patentable over the cited prior art references of the last office action but that such an amendment would be subject to an updated search.

In the office action the Examiner rejected claims under 35 USC 103 (a) over US Patent 6,691,536 to Severns et al. The Examiner further rejected dependent claims 2 and 14 were rejected under 35 USC 103(a) over Severns et al. in view of US Patent 6,875,364 to Gordon. Dependent claims 5, 17 and 38 were rejected over Severns et al. in view of US Patent 6,857,162 to Rasmussen.

Dependent claims 7-8, 10-11, 19-23,25,30-31,39 and 42-44 were rejected under 35 USC 103(a) over Severns et al. in view of US Patent Publication 2003/0034305. Applicant respectfully traverses these rejections for the following reasons.

Amended independent claims 1, 13 and 35 and now recite in pertinent part:

An article cleaning apparatus for cleaning articles using a solvent based cleaning fluid and for cleaning the solvent based cleaning fluid without using distillation comprising an air management mechanism; a cleaning basket assembly; and a fluid processing mechanism. The fluid processing mechanism including *an ultrafiltration filter configured to remove bacteria from solvent based cleaning fluid by having a pore size of about 0.01 microns to about 0.2 microns. Each of the air management mechanism, the cleaning basket assembly and the fluid processing mechanism is in dedicated communication with each remaining one of the air management mechanism, the cleaning basket assembly and the fluid processing mechanism* (emphasis added).

By dedicated communication it is understood that each of the recited elements the air management mechanism, the fluid processing mechanism and the cleaning basket assembly are in communication with each of the remaining ones of air management mechanism, the fluid processing mechanism and the cleaning basket assembly

The patent to Severns et al. was cited by the Examiner for disclosing an air management system (suction blower 31, a duct 32 connecting the blower to a heater 33 –col. 13, lines 59-61); at cleaning basket assembly (a tub with access opening 58 formed by walls 65, 68); and an ultra filtration system (col. 13, lines 14-16 –removing contaminants by means of membrane evaporation technologies).

Severns, however, does not disclose or suggest a fluid processing mechanism with an ultra filtration filter that is in communications with an air management system.

In FIGS. 1 and 2 the Examiner's recognized "air management system" in Severns is *not* in communication with the fluid processing mechanism having an ultra filtration filter. The ultra filtration filter of Severns is located in the recovery system 15 (Col. 13, lines 8-29) and is not in communication with the aforementioned suction blower, duct and heater forming Severns' air management system.

Further, the claimed invention recites an ultrafiltration filter that is configured to remove bacteria from the solvent based cleaning fluid by having a pore size of about 0.01 microns to about 0.2 microns.

In the last office action the Examiner stated that it would have been obvious to modify the specific mesh size, pore size and operability to the relative molecular weight of the contaminants for the ultra filtration filter and its sub-components. However the disclosure of Severns teaches away from such a proposed modification. It is therefore respectfully submitted that independent claims 1, 13 and 35 are not or suggested by Severns, either alone or in combination with Gordon, Rasmussen and Luehmann et al.

In Severns et al. "Filter 6 removes lint, fabric, fibers, and large particulate soil so that they don't settle on the tank 8 bottom and close down stream lines." (Col. 12, lines 13-15 and also col.1 2lines 8-32 addresses the various

embodiments for the filter that should be sized 840 micron to 149 micron filters to remove lint and large particulate soil.)

Thus Severns teaches away from a finer filter for filtering out bacteria and is concerned with a filter with much larger pore size to address the problem it is seeking to solve.

The claimed invention requires an ultra filtration filter in order to remove bacteria from solvent to avoid the problem of bio-slime (see page lines 1-3 of the present specification) The present invention seeks to remove bacteria and stop bacteria growth and the associated problems of such growth such as unwanted odors and bio-slime (see Page 1, lines 14-19).

The patent to Severns does not disclose or suggest such a filter. It is respectfully submitted that the Examiner is engaging in impermissible hindsight reconstruction of the present invention by modifying a reference –Severns where the disclosure teaches away from such a modification.

The proposed modification of Severns with either Gordon, Rasmussen and/or Luehmann et al still would not disclose or suggest the claimed invention for an air management system in communication with a fluid processing mechanism

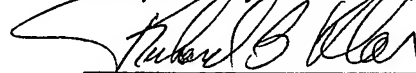
As the rest of the claims depend on independent claims 1, 13 and 35, it is respectfully submitted that these claims are now in condition for allowance based on their dependencies on allowable claims.

Accordingly it is respectfully submitted that in view of the amendments and remarks herein that independent claims 1, 13 and 35 be passed to issue along with the rest of the remaining claims depending thereon .

In view of the foregoing amendments and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in condition for allowance; the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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August 30, 2007

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